
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LARRY M. PADILLA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:15-cv-00047-RJS

Judge Robert J. Shelby

Plaintiff Larry M. Padilla filed his Complaint on March 24, 2015, seeking review of the Acting Commissioner of the Social Security Administration's decision denying his application for disability insurance benefits and supplemental security income.¹ The court then referred the case to Magistrate Judge Evelyn J. Furse pursuant to 28 U.S.C. § 636(b)(1)(B).²

Judge Furse issued a Report and Recommendation on March 15, 2016.³ Judge Furse recommended that the court affirm the Commissioner's decision because (i) the ALJ applied the correct legal standards, (ii) substantial evidence supports the ALJ's credibility determinations, (iii) the ALJ's error in failing to discuss Nurse Practitioner Bojanower's opinion was harmless, and (iv) substantial evidence supports the ALJ's finding that Mr. Padilla can perform light unskilled work subject to certain limitations.⁴

Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), a party has

¹ Dkt. 3.

² Dkt. 7.

³ Dkt. 24.


⁴ *Id.*

fourteen days from receipt of a Report and Recommendation in which to file an objection. Neither party has done so. In the absence of an objection, the court applies a clearly erroneous standard of review.⁵ Under this deferential standard, the court will affirm a Magistrate Judge's ruling unless the court "is left with the definite and firm conviction that a mistake has been committed."⁶

After carefully reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Furse did not clearly err in analyzing Mr. Padilla's appeal. The court therefore ADOPTS the Recommendation and AFFIRMS the Commissioner's decision. The Clerk of Court is directed to close the case.

SO ORDERED this 18th day of May, 2016.

BY THE COURT:



ROBERT J. SHELBY
United States District Judge

⁵ *Thompson v. Astrue*, 2010 WL 1944779, at *1 (D. Utah May 11, 2010) (citing 28 U.S.C. § 636(b)(1)).

⁶ *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).